

The Gazette of India

EXTRAORDINARY PART II—Section 3 PUBLISHED BY AUTHORITY

No. 258] NEW DELHI, SATURDAY, AUGUST 27, 1955

MINISTRY OF FOOD AND AGRICULTURE

ORDERS

New Delhi, the 27th August 1955

S.R.O. 1862—Ess.Com/Sugar.—In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955, (X of 1955), the Central Government hereby makes the following order:—

1. Short title, Extent, and commencement.—(1) This order may be called the Sugar (Control) Order, 1955.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force at once.

2. Definitions.—In this order unless the context otherwise requires:—

(a) "dealer" means a person carrying on the business of purchasing, selling, or distributing sugar;

(b) "ex-factory price" means the price of sugar inclusive of excise duty, packed as may be prescribed, and loaded at the buyer's option on buyer's carts, lorries, or other means of transport, or into railway wagons at the railway station or siding generally used by the producer, and includes all incidental charges which are on account of the ex-factory seller;

(c) "producer" means a person carrying on the business of manufacturing sugar;

(d) "sugar" means:—

(i) any form of sugar containing more than 90 per cent of sucrose including Khandsari sugar, sugarcandy and Bura sugar;

(ii) any sugar of crystalline structure; and

(iii) sugar in process in vacuum pan sugar factory or raw sugar produced therein.

3. Powers to regulate production and movement of sugar.—The Central Government may by order publish in the Official Gazette—

(a) direct that no sugar shall be manufactured from sugarcane except under and in accordance with the conditions specified in a licence issued in this behalf;

(b) prohibit or restrict the despatch of sugar from or to any State or any area therein.

4. The Central Government may by general or special order direct that no person shall transport or offer or accept for transport, whether by rail, road, or water, all or any specified type or grade of sugar except under:—

(a) a general or special permit issued in this behalf;

- (b) a Military Credit Note. Provided that nothing in this clause shall apply to the transport of sugar not exceeding five seers as part of the personal luggage of a bonafide traveller.

5. Power to fix sugar price.—(1) The Central Government may from time to time, by notification in the Official Gazette, fix the price or the maximum price at which any sugar may be sold or delivered, and different prices may be fixed for different areas/factories or different types or grades of sugar. Such price or maximum price shall be fixed with due regard to the price or minimum price fixed for sugarcane, manufacturing cost, taxes, reasonable margin of profit for producer and/or trade, and any incidental charges.

(2) Where the price or the maximum price has been so fixed, no person shall sell or purchase or agree to sell or purchase any sugar at a price in excess of that fixed under sub-clause (1):

Provided that the price at which sugar may be sold for delivery otherwise than at ex-factory price shall not exceed the price or the maximum price, as the case may be, fixed under sub-clause (1) for sale at ex-factory price plus such charges, in respect of transport to or in specified areas and other incidental charges as approved by the Central Government.

6. Powers to allot quotas of sugar.—The Central Government may, from time to time, by order:—

- (i) allot quotas of sugar to any specified State or area,
- (ii) issue directions to any producer or dealer to supply sugar of such type or grade, in such quantities to such areas or markets or to such persons or organizations and at such prices, as may be specified in the order:

Provided that where the price or maximum price of any sugar has been fixed under sub-clause (1) of Clause 5 the Central Government shall in respect of such sugar specify in the order the price or the maximum price, as fixed.

7. Power to issue directions to producers and dealers.—The Central Government may, from time to time, by general or special order issue to any producer or dealer or any class of producers or dealers such directions regarding the production, maintenance of stocks, sale, price, grading, packing, marking, weighing, disposal, delivery and distribution of sugar as it may deem fit.

8. Any officer empowered in this behalf by the Central Government may—

- (a) direct any producer or dealer to maintain such records as he may specify;
- (b) direct any producer or dealer to furnish such information as he may require;
- (c) inspect or cause to be inspected any books or other documents belonging to or under the control of a producer or a dealer;
- (d) enter and search or authorise any person to enter and search and premises of a producer or a dealer;
- (e) seize stocks of sugar or authorise any person to seize such stocks in respect of which he has reason to believe that a contravention of this Order has been, or is being or is about to be committed; and such stocks may be disposed of in accordance with any directions issued by the Central Government in this behalf.

9. Every producer, dealer or other person to whom any order or direction is issued under any powers conferred by or under this order shall comply with such order or direction.

10. Delegation of powers.—The Central Government may, by notification in the Official Gazette, direct that all or any powers conferred upon it by this order shall, subject to such restrictions, exceptions and conditions, if any, as may be specified in the direction, be exercisable also by:

- (a) any officer or authority of the Central Government;
- (b) a State Government or any officer or authority of a State Government.

11. Repeal and Saving.—(1) The Sugar and Gur Control Order, 1950, published with the Government of India in the Ministry of Food and Agriculture S.R.O. No. 735 dated the 7th October, 1950, and any order made by a State Government or other authority regulating or prohibiting the production, supply and distribution

of sugar and trade or commerce therein are hereby repealed, except as respect things done or omitted to be done under any such order before the commencement of this order.

(2) Notwithstanding such repeal, an Order made by any authority, which is in force immediately before the commencement of this Order and which is consistent with this Order, shall continue in force and all appointments made, prices fixed, licences and permits granted, and directions issued under any such Order and in force immediately before such commencement shall likewise continue in force and be deemed to be made, fixed, granted, or issued in pursuance of this Order.

[No. F.8/24/55-SV.]

S.R.O. 1863—Ess.Com./Sugarcane.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (X of 1955), the Central Government hereby makes the following Order namely:—

1. **Short title, extent and commencement.**—(1) This Order may be called the Sugarcane (Control) Order, 1955.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force at once.

3. **Definitions.**—In this Order, unless the context otherwise requires:—

(a) “factory” means any premises including the precincts thereof, in any part of which sugar is manufactured by vacuum pan process;

(b) “producer of sugar” means a person carrying on the business of manufacturing sugar by vacuum pan process;

(c) “price” means price fixed by the Central Government from time to time, for sugarcane delivered at the gate of factory or sugarcane purchasing centre.

3. **Power to fix price of sugarcane and direct payment thereof.**—(1) The Central Government may, after consultation with such authorities, bodies or associations as it may deem fit, by notification in the official Gazette, from time to time,

(a) fix in respect of any area the price or the minimum price to be paid by a producer of sugar or his agent, for sugarcane purchased by him in that area, and different prices may be fixed for different areas or different qualities of sugarcane or on the basis of recovery of sugar from sugarcane having regard to—

(i) cost of production of sugarcane;

(ii) return to the grower from alternative crops and general trend of prices of agricultural commodities; and

(iii) availability of sugar to the consumer at a fair price;

(b) also direct that the price or the minimum price so fixed may be paid in such manner as it may specify in this regard;

(c) allow suitable rebate in the fixed price for any good reason.

(2) No person shall sell or agree to sell sugarcane to a producer of sugar or factory and no producer or factory shall purchase or agree to purchase sugarcane at a price lower than that notified under this clause.

4. **Power to regulate movement of sugarcane.**—The Central Government may by order in the official Gazette—

(a) prohibit or restrict or otherwise regulate the export of sugarcane from any area for supply to different factories;

(b) direct that no gur (jaggery) or sugar shall be manufactured from sugarcane except under and in accordance with the conditions specified in a licence issued in this behalf.

5. Every producer, his agent or factory to whom any order or direction is issued under any powers conferred by or under this order shall comply with such order or direction.

6. **Delegation of Powers.**—The Central Government may, by notification in the official Gazette, direct that all or any powers conferred upon it by this order shall,

subject to such restrictions, exceptions and conditions, if any, as may be specified in the direction, be exercisable also by:

- (a) any officer or authority of the Central Government,
- (b) a State Government or any officer or authority of a State Government.

7. Repeal and Savings.—(1) The Sugar and Gur Control Order, 1950, published with the Government of India in the Ministry of Food and Agriculture S.R.O. No. 735, dated the 7th October, 1950, and any order made by a State Government or other authority regulating or prohibiting the production, supply and distribution of sugarcane and trade or commerce therein are hereby repealed, except as respect things done or omitted to be done under any such order before the commencement of this Order.

(2) Notwithstanding such repeal, an Order made by any authority, which is in force immediately before the commencement of this Order and which is consistent with this Order shall continue in force and all appointments made, prices fixed, licences and permits granted, and directions issued under any such Order and in force immediately before such commencement shall likewise continue in force and be deemed to be made, fixed, granted, or issued in pursuance of this Order.

[No. F.8/24/55-SV.]

P. A. GOPALKRISHNAN, Jt. Secy